



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2565

DATE SCANNED 12-21-12

SCANNER NO. 2

SCAN OPERATOR AMP

12092681612



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 SEP 19 PM 3: 52

September 19, 2012

**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *P.C.O.*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 12 Day Pre-Primary  
Report (Washington)

Attached is the name of a political committee and its treasurer who failed to timely file the 2012 12 Day Pre-Primary Report for the Washington Primary Election in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on July 26, 2012 and the Primary Election was held on August 7, 2012.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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Federal Election Commission  
Reason to Believe Circulation Report  
2012 PRE-PRIMARY Election Sensitive 07/26/2012 AUTH (WA)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2565	C00471482	CODAY FOR US SENATE	CODAY, ARTHUR JR MD	ALEXANDER W. NELSON	\$114,538	1	8/1/2012	6	\$14,384	\$262

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 12 )  
Day Pre-Primary Report (WA): )  
CODAY FOR US SENATE, and ) AF# 2565  
ALEXANDER W. NELSON as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 21, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 12 Day Pre-Primary Report (WA) as recommended in the Reports Analysis Division's Memorandum dated September 19, 2012, on the following committees:

AF#2565 Decided by a vote of 6-0 to: (1) find reason to believe that CODAY FOR US SENATE, and ALEXANDER W. NELSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 21, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 24, 2012

Alexander W. Nelson, in official capacity as Treasurer  
Coday for US Senate  
P.O. Box 55683  
Shoreline, WA 98155

C00471482  
AF#: 2565

Dear Mr. Nelson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through July 18, 2012, shall be filed no later than July 26, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 1, 2012, six (6) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 21, 2012, the FEC found that there is reason to believe ("RTB") that Coday for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 26, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$262. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$262 is due within forty (40) days of the finding, or by October 31, 2012, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$14,384  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 31, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Coday for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$262 for the 2012 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by October 31, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Coday for US Senate

FEC ID#: C00471482

AF#: 2565

PAYMENT DUE DATE: October 31, 2012

PAYMENT AMOUNT DUE: \$262

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 NOV 15 PM 2: 05

November 14, 2012

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *for PCO*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JP* Jodi Winship/Sari Pickeral *JP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2012 12 Day Pre-Primary Report (Washington)

Attached is the name of a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2012 12 Day Pre-Primary Report (Washington). The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

**RAD Recommendation**

- (1) Make final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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11/15/2012 1:54 PM

Federal Election Commission  
FD Circulation Report Fine Paid  
2012 PRE-PRIMARY Election Sensitive 07/26/2012 AUTH (WA)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2565	CODAY FOR US SENATE	CODAY, ARTHUR JR MD	C00471482	ALEXANDER W. NELSON	08/01/2012	6	\$14,384	1	09/21/2012	\$262	\$262	10/22/2012	\$262

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final ) AF 2565  
Determination Recommendation for the )  
2012 12 Day Pre-Primary Report )  
(Washington) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 16, 2012, the Commission decided by a vote of 6-0 to take the following actions in AF 2565:

1. Make a final determination that Coday for US Senate and Alexander W. Nelson, Treasurer, violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$262.00.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 19, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

12092681622



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 19, 2012

Alexander W. Nelson, in official capacity as Treasurer  
Coday for US Senate  
P.O. Box 55683  
Shoreline, WA 98155

C00471482  
AF#: 2565

Dear Mr. Nelson:

On September 21, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Coday for US Senate and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 Pre-Primary Report. By letter dated September 24, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$262 in accordance with the schedule of penalties at 11 CFR § 111.43.

On October 22, 2012, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on November 16, 2012 that you, in your official capacity as treasurer, and Coday for US Senate violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$262 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

*Carole C. Hunter*

Caroline C. Hunter  
Chair

12092681623

FOR: Coday for US Senate

FEC ID#: C00471482

AF#: 2565

PAYMENT DUE DATE: October 31, 2012

PAYMENT AMOUNT DUE: \$262

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 003 \$ 0000026200 BA# 1 10-22-12 20 4



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**usbancorp.**  
The Bancorp. Company

<b>CODAY FOR US SENATE</b>		<b>CHASE</b> JPMorgan Chase Bank, N.A. Bank, Washington 20001 www.Chase.com 1-800-935-3230	1112
<b>Art Coday</b> <b>US Senate</b>		P.O. Box 979058 St. Louis, MO 63197-9058	10/8/2012
PAY TO THE ORDER OF	Federal Election Commission	\$ **262.00	DOLLARS
Two Hundred Sixty-Two and 00/100			
Federal Election Commission P.O. Box 979058 St. Louis, Missouri 63197-9000		<i>Joseph P. Higgins II</i> Authorized Signature	
MEMO	C00471482-AF#: 2565		



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2565

DATE SCANNED 12-21-12

SCANNER NO. 2

SCAN OPERATOR CLM

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